

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

Michael Eichler

Civil Action 07-2210

versus

Judge Tucker L. Melançon

Louisiana Department of Public  
Safety and Corrections, et al

Magistrate Judge Methvin

**ORDER**

Before the Court is Defendants', State of Louisiana, Department of Public Safety and Corrections, Division of Probation and Parole and Tim Mills, Motion For Summary Judgment For Failure of Plaintiff to Exhaust Administrative Remedies [Rec. Doc. 5]. Plaintiff, Michael Eichler, filed this action under 42 U.S.C. § 1983 alleging that Tim Mills, his probation officer, and Mills employer, the Department of Public Safety and Corrections, division of Probation and Parole, violated his rights, privileges or immunities when he was placed in a "half-way house" where the facility operator deprived Eichler of his liberty and property. At the time the motion was filed, Eichler was incarcerated in the Caddo Correction Center awaiting hearing on the revocation of his probation.

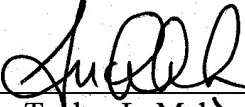
The record reflects that defendants have filed a related Motion To Dismiss which is currently pending before the magistrate judge assigned to this case, Magistrate Judge Mildred M. Methvin. Plaintiff did not file a response to the Motion For Summary

Judgment<sup>1</sup>, but rather, filed a response to the Motion To Dismiss. Under the section titled "Louisiana Administrative Procedures" on pages 7 and 8 of the response, plaintiff includes information that is not responsive to the motion to dismiss but appears to be responsive to the motion for summary judgment. *R. 8, "Louisiana Administrative Procedures," p. 7, ln. 17 - p. 8, ln. 15.* It is therefore

ORDERED that the Clerk of Court is to strike the section of plaintiff's Response Memorandum to Defendant's Motion to Dismiss, [Rec. Doc. 8], entitled "Louisiana Administrative Procedures," on page 7, line 17 through page 8, line 15. It is

FURTHER ORDERED that plaintiff is to file a memorandum in opposition to the Motion For Summary Judgment [Rec. Doc. 5], if any there be, within ten (10) days of the entry of this order.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 14<sup>th</sup> day of May, 2008.

  
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Tucker L. Melançon  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Pursuant to L.R. 7.5W, any response to Devon's Motion For Summary Judgment was due on April 22, 2008.

